

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Civil Action No. 00-1827

Plaintiff,

Judge Cercone

v.

DAVID W. BUTLER,

Defendant.

DEFENDANT'S MOTION FOR AN AWARD OF ATTORNEYS' FEES AND EXPENSES

Defendant David W. Butler hereby moves this Court for an award of attorneys' fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412. In support thereof, Defendant submits the attached Memorandum in Support of Motion for an Award of Attorneys' Fees and Expenses, as well as the Declaration of Donald J. Enright. For the reasons set forth therein, Defendant requests this Court grant Defendant's Motion for an Award of Attorneys' Fees and Expenses.

Date: July 14, 2005

Respectfully submitted by:



Douglas G. Thompson, Esq.

Donald J. Enright, Esq.

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Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby affirm and attest that a true and correct copy of the foregoing Motion and the accompanying Memorandum of Law and Declaration of Donald J. Enright were sent via Federal Express this 14th day of July 2005 to the following:

Catherine Pappas, Esq.
SECURITIES AND EXCHANGE COMMISSION
Mellon Independence Center
701 Market Street
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Attorney for Plaintiff



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